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8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 UNITED STATES OF AMERICA,) Case No. SACV12-930 DOC (MLGx)
13)
Plaintiff,) Application for Clerk's Entry
14) of Default Against Defendant
vs.) Diversified Acceptance
15) Corporation, dba M. Leonard and
NAGESH SHETTY, et al.,) Associates, successor in
16) interest to United Merchants
Defendants.) Association
17)
18)

19 TO: THE CLERK OF THE ABOVE-ENTITLED COURT

20 The United States of America requests that the clerk enter
21 default against defendant DIVERSIFIED ACCEPTANCE CORPORATION,
22 dba M. LEONARD AND ASSOCIATES, successor in interest to UNITED
23 MERCHANTS ASSOCIATION, for its failure to answer the Complaint.
24 In support of this request, the United States alleges the
25 following:

26 1. Defendant Diversified Acceptance Corporation, dba M.
27 Leonard and Associates, successor in interest to United
28 Merchants Association, was made a party in this case by the

1 Court's Order to Substitute Party and Correct Caption dated
2 August 31, 2012, at ECF Document 12.

3 2. On September 7, 2012, Diversified Acceptance
4 Corporation, dba M. Leonard and Associates, successor in
5 interest to United Merchants Association, a domestic
6 corporation, was served by personally delivering a copy of the
7 Summons and Complaint to Ralph Walker, Collection Manager,
8 authorized to accept service, as set forth in Fed. R. Civ. P.
9 4(h)(1)(B). A copy of the order to substitute parties, ECF Doc.
10 12, was also served with those pleadings. Proof of this service
11 was filed with the Court on September 27, 2012, at ECF Document
12 21.

13 2. Under Federal Rule of Civil Procedure 12(a)(1)(A),
14 defendant Capital One then had 21 days to answer or otherwise
15 respond to the Complaint. This time period expired on September
16 28, 2012.

17 3. To date, defendant Diversified Acceptance Corporation,
18 dba M. Leonard and Associates, successor in interest to United
19 Merchants Association has failed to appear, answer or otherwise
20 respond to the Complaint as prescribed by the Federal Rules of
21 Civil Procedure.

22 Respectfully submitted,


23 ANDRÉ BIROTTE JR.

24 United States Attorney

25 SANDRA R. BROWN

26 Assistant United States Attorney

27 Chief, Tax Division

28 
DANIEL LAYTON, Asst. U.S. Attorney
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DATE: 10/2/2012